

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LYNSI NOEL BARNES,

Defendant.

CR 23-38-M-DWM-1

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on November 30, 2023. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

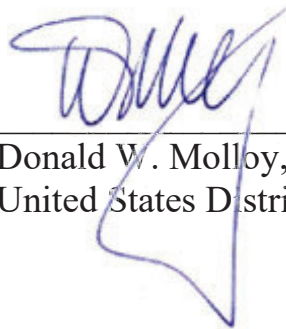
Judge DeSoto recommended this Court accept Lynsi Noel Barnes’s guilty plea after Barnes appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered her plea of guilty to one count of possession with intent to distribute controlled substances in violation of 21 U.S.C. § 841(a)(1) (Count II), as set forth in the Indictment filed against her. In exchange for Defendant's plea, the United States has agreed to dismiss Count I of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 70), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Lynsi Noel Barnes's motion to change plea (Doc. 49) is GRANTED. Lynsi Noel Barnes is adjudged guilty as charged in Count II of the Indictment.

DATED this 15<sup>th</sup> day of December, 2023.



---

Donald W. Molloy, District Judge  
United States District Court